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Consolidated SIPA Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>SECURITIES INVESTOR PROTECTION CORPORATION,</p> <p style="text-align: center;">Plaintiff-Applicant,</p> <p>v.</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>Adv. Pro. No. 08-01789 (SMB)</p> <p>SIPA LIQUIDATION</p> <p>(Substantively Consolidated)</p>
<p>In re:</p> <p>BERNARD L. MADOFF,</p> <p style="text-align: center;">Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>STANLEY I. LEHRER, in his capacity as administrator of the Stanley I. Lehrer and Stuart M. Stein, J/T WROS; ELAINE STEIN ROBERTS; EUNICE CHERVONY LEHRER; TRUST U/T/A 8/20/90; and EVELYN FISHER, individually, and in her capacity as Trustee for TRUST U/T/A 8/20/90,</p> <p style="text-align: center;">Defendants.</p>	<p>Adv. Pro. No. 10-05259 (SMB)</p>

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF  
DEFENDANTS TRUST U/T/A 8/20/90 AND EVELYN FISHER, INDIVIDUALLY,  
AND IN HER CAPACITY AS TRUSTEE FOR TRUST U/T/A 8/20/90, FROM  
ADVERSARY PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Windels Marx Lane & Mittendorf, LLP, and defendants Trust U/T/A 8/20/90 and Evelyn Fisher, individually, and in her capacity as Trustee for Trust U/T/A 8/20/90 (“Defendants”), by and through their counsel, Mintz & Gold LLP (together, the “Parties”), hereby stipulate and agree to the following:

1. On February 1, 2016, the Trustee filed a Second Amended Complaint against Defendants and others.
2. On July 15, 2016, Defendants filed an Answer to the Second Amended Complaint.
3. On June 28, 2017, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Dkt. No. 3181] (the “Settlement Agreement”).
4. In accordance with Federal Rule of Bankruptcy Procedure 7041, and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice and without costs to any party of the Trustee’s claims against Defendants in the above-captioned adversary proceeding.
5. Upon the dismissal of Defendants, the caption of the adversary proceeding is hereby amended to delete Defendants from the caption. The amended caption of the adversary proceeding shall appear as indicated in Exhibit A to this Stipulation and Order.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties in interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: New York, New York  
July 18, 2017

By: /s/ Howard L. Simon  
Howard L. Simon (hsimon@windelsmarx.com)  
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*Special Counsel for Irving H. Picard, Esq., Trustee for the  
Substantively Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and Bernard L. Madoff*

Dated: New York, New York  
July 18, 2017

By: /s/ Terence W. McCormick  
Steven G. Mintz (mintz@mintzandgold.com)  
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*Attorneys for Defendants Trust U/T/A 8/20/90 and Evelyn  
Fisher, individually, and in her capacity as Trustee for  
Trust U/T/A 8/20/90*

SO ORDERED

Dated: July 18<sup>th</sup>, 2017

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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